REMARKS

In view of the following remarks, Applicant respectfully requests reconsideration and allowance of the subject Application.

Rejection of the Claims

In the Office Action mailed 11/29/05, claims 13, 29, 45, and 49 were rejected for double patenting.

CLAIM REJECTIONS - DOUBLE PATENTING

Claims 13, 29, 45 and 49-53 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-13 of US Patent No. 6,707, 852.

Applicant acknowledges the double patenting rejection and responsively includes a copy of a terminal disclaimer filed on 1/20/06 to obviate the double patenting rejection.

Conclusion

Applicant submits that the above claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the present Application. Should any issue remain that prevents immediate issuance of the Application, the Examiner is encouraged to contact the undersigned attorney to discuss the unresolved issue.

Respectfully Submitted,

Lee & Hayes, PLLC 421 W. Riverside Avenue, Suite 500 Spokane, WA 99201

Dated: 2/13/06

Paul W. Mitchell Reg. No. 44,453

(509) 324-9256 ext. 237

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.		10/803.068
Filing Date		
Filing Date		5179
Inventorship		Albert S. Wang
Applicant		Microsoft Corporation
Group Art Unit		2613
Examiner	**************************	NHON THANH DIEP
Attorney's Docket No		MS1-0801USC6
Title:	Digital Video Signal Enc	oder and Encoding Method

TERMINAL DISCLAIMER

To:

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

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From:

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Paul W. Mitchell

(Tel. 509-324-9256; Fax 509-323-8979)

Lee & Hayes, PLLC

421 W. Riverside Avenue, Suite 500

Spokane, WA 99201 Customer Number 22801

Applicant submits herewith a terminal disclaimer to obviate the non-statutory double patenting rejection over U.S. Patent No. 6,707,852 to Wang, assignee Microsoft Corporation.

The assignee, Microsoft Corporation, having one-hundred percent (100%) interest in the instant application, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154-156 and 173, as presently shortened by any terminal disclaimer, of prior U.S. Patent No. 6,707,852. The assignee hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such

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period that it and the prior patent are commonly owned. This assignment runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154-156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an attorney of record and the terminal disclaimer fee under 37 C.F.R. 1.20(d) is included.

Respectfully Submitted,

d: 1/20/06

By:

Paul W. Mitchell Reg. No. 44,453 (509) 324-9256

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